

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

TERRY JACKSON, d.b.a W.S.A.E &
W.C. LLC

Plaintiff,
vs.

CITY OF BOZEMAN, and GREG
SULLIVAN, City Attorney,

Defendants.

CV 18-43-BU-BMM-JCL

FINDINGS AND
RECOMMENDATION

Plaintiff Terry Jackson, appearing pro se, filed his application for leave to proceed in forma pauperis under 28 U.S.C. § 1915(a). Permission to proceed in forma pauperis is discretionary with the Court. 28 U.S.C. § 1915(a). A court can grant leave to proceed in forma pauperis if the applicant's affidavit sufficiently indicates that the affiant cannot pay court costs and still provide the necessities of life for himself and his family. *Adkins v. E.I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339 (1948). It is well established that the district court has discretion in determining whether a litigant is entitled to proceed in forma pauperis. *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963).

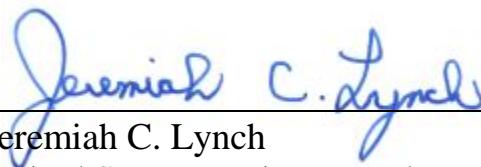
In his application Jackson states he receives approximately \$4,700 of income per month, and he identifies approximately \$2,510 in expenses per month. Jackson

also identifies real estate and two vehicles he owns, but he does not provide the value of those assets. Finally, Jackson does not list any dependents who rely upon him for support.

Based on the information provided in Jackson's application, the Court cannot find that he is unable to pay court costs and still provide the necessities of life for himself. Therefore, IT IS HEREBY RECOMMENDED that Jackson application for leave to proceed in forma pauperis be DENIED.

A plaintiff is not entitled to file objections to a recommendation that the plaintiff's application to proceed in forma pauperis be denied. *Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam). Therefore, this recommendation will be forwarded directly to the presiding District Judge for his consideration. No motion for reconsideration will be entertained.

DATED this 7th day of August, 2018.



Jeremiah C. Lynch
United States Magistrate Judge